

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUAN CARLOS LEON-HERRERA,

Plaintiff,

v.

Case No. 2:24-cv-00153-MIS-GJF

BAR-S FOODS CO d/b/a SIGMA FOODS
and JORGE ZUNIGA ISAIS d/b/a RVJ
TRANSPORT,

Defendants.

**DEFENDANT CUSTOM PRO LOGISTICS, LLC'S UNOPPOSED
MOTION TO EXTEND TIME TO FILE RESPONSE AND REPLY BRIEFS**

Defendant, Custom Pro Logistics, LLC (“Defendant” or “Custom Pro”), by and through its counsel of record, Mayer LLP (Brian J. Fisher and J. Ashley Cummings) file this Unopposed Motion to Extend Time to File Response and Reply Briefs and state the following:

1. Plaintiff, Juan Carlos Leon-Herrera (“Plaintiff”), filed the present lawsuit on February 14, 2024. [Doc. 1]
2. Custom Pro filed its Motion to Dismiss the claims asserted against it on October 25, 2024. [Doc. 41]
3. After counsel for Custom Pro agreed to a twenty-five day extension for counsel for Plaintiff to file a response to Custom Pro’s Motion to Dismiss, Plaintiff filed his Unopposed Motion to Extend Time to File Response to Defendant’s Motion to Dismiss on November 7, 2024, which was unopposed by counsel for Custom Pro. [Doc. 43] The unopposed relief requested by Plaintiff was granted by this Court on

November 8, 2024. [Doc. 45]

4. In accordance with the relief granted, Plaintiff filed his Response to Custom Pro's Motion to Dismiss on December 3, 2024. [Doc. 53] Additionally, Plaintiff filed a Motion for Leave to Amend First Amended Complaint on that same date. [Doc. 52]

5. Counsel for Custom Pro has been – and remains – preparing for a two- to three-week trial scheduled to begin on January 6, 2024, before the First Judicial District Court of Santa Fe County, New Mexico, with a pre-trial conference calendared for December 20, 2024. Because of the time being dedicated to that litigation, Counsel for Custom Pro reached out to counsel for Plaintiff on Saturday, December 14, 2024, to request a brief, fourteen-day extension of the current deadlines to respond to (1) Plaintiff's Response to Custom Pro's Motion to Dismiss [Doc. 53], and (2) Plaintiff's Motion for Leave to Amend First Amended Complaint [Doc. 52].

6. Counsel for Custom Pro specifically requested that counsel for Plaintiff allow Custom Pro an extension of fourteen days – until December 31, 2024 – to file (1) Custom Pro's Reply in support of its Motion to Dismiss, and (2) Custom Pro's Response to Plaintiff's Motion for Leave to Amend First Amended Complaint. On that same date, counsel for Plaintiff indicated via email communication that Plaintiff was unopposed to the extensions sought.

7. Counsel for the remaining parties to the litigation were contacted via email on Monday, December 16, 2024, for their respective positions on the relief sought in this Motion. Counsel for the remaining parties have indicated that their

clients are also unopposed to the relief sought by Custom Pro with respect to the reply and response deadlines referenced in Paragraph 6 above.

8. For the reasons set forth in greater detail above, Defendant, Custom Pro Logistics, LLC, respectfully requests that the Court allow Defendant an extension of fourteen days – until December 31, 2024 – to file (1) Custom Pro’s Reply in support of its Motion to Dismiss, and (2) Custom Pro’s Response to Plaintiff’s Motion for Leave to Amend First Amended Complaint, and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

MAYER LLP

By: /s/ Brian J. Fisher
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*Attorneys for Defendant Custom Pro
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CERTIFICATE OF SERVICE

This is to certify that on December 16, 2024, a true and correct copy of the foregoing was forwarded to the following counsel of record via CM/ECF and electronic mail pursuant to Federal Rule of Civil Procedure 5:

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By: /s/ Brian J. Fisher
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